

Remarks

The specification has been amended to include a detailed listing of the drawings. Representative support for this amendment may be found throughout the specification as filed.

Claim 1 has been amended to recite that R is (2-6C)alkyl. Representative support in the specification for this amendment may be found at page 10, line 17. Claim 4, which depends from claim 1, has been amended to reflect the amendment to claim 1.

Applicants submit that no prohibited matter has been added by the amendments to the specification and claims.

1. Updated Table of Commonly Assigned Applications

The Examiner's attention is called to the following updated table of U.S. patents and pending applications of Applicants' assignee that may be considered as technically related. The current status of each application as reported in the PAIR database is given in the right-hand column. Each of the published US applications and PCT applications is listed on a form PTO-1449 attached to an Information Disclosure Statement being submitted herewith or has been listed on a form PTO-1449 attached to a previously filed Information Disclosure Statement.

It is assumed that the Examiner has ready electronic access to each of the listed U.S. applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
09/913,539 December 7, 2001	Nigel P. Taylor et al.	6,844,437 January 18, 2005	WO 00/49014 August 24, 2000	Granted
10/610,700 July 2, 2003	Nigel P. Taylor et al.	6,784,171 August 31, 2004	WO 00/49014 August 24, 2000	Granted
10/885,244 July 7, 2004	Nigel P. Taylor et al.		WO 00/49014 August 24, 2000	Abandoned
10/483,430 January 12, 2004	Akio Matsushita et al.	7,304,156 December 4, 2007	WO 03/006439 January 23, 2003	Granted
11/933,626 November 1, 2007	Akio Matsushita et al.	7,816,528 October 19, 2010	WO 03/006439 January 23, 2003	Granted
12/889,186 September 23, 2010	Andrew J. Blacker et al.		WO 03/006439 January 23, 2003	Examiner not assigned; Application undergoing preexam processing
10/275,092 November 1, 2002	Andrew J. Blacker et al.	7,157,255 January 2, 2007	WO 01/85975 November 15, 2001	Granted
11/412,047 April 27, 2006	Andrew J. Blacker et al.	7,416,865 August 26, 2008	WO 01/85975 November 15, 2001	Granted

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
12/178,424 July 23, 2008	Andrew J. Blacker et al.	7,732,171 June 8, 2010	WO 01/85975 November 15, 2001	Granted
12/768,459 April 27, 2010	Andrew J. Blacker et al.	US 2010-0209984 August 19, 2010	WO 01/85975 November 15, 2001	Allowed
10/524,235 August 18, 2005	John Horbury et al.	7,511,140 March 31, 2009	WO 2004/014872 February 19, 2004	Granted
12/371,359 February 13, 2009	John Horbury et al.	US 20090286819 November 19, 2009	WO 2004/014872 February 19, 2004	Issue Fee paid October 21, 2010
10/558,390 February 29, 2008	Jeffrey N. Crabb et al.	US 20080221323 September 11, 2008	WO 2004/108691 December 16, 2004	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Ready for Examination
10/571,254 March 9, 2006	Rebecca J. Booth et al.	US 20060293355 December 28, 2006	WO 2005/023779 March 17, 2005	Abandoned
12/615,935 November 10, 2009	Rebecca J. Booth et al.	US 20100222373 September 2, 2010	WO 2005/023779 March 17, 2005	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Non Final Action mailed September 1, 2010
10/572,635 March 17, 2006	Simon N. Black et al.	US 20070105882 May 10, 2007	WO 2005/028450 March 31, 2005	Abandoned
10/333,351 January 17, 2003	Jacob H. Kooistra et al.	6,870,059 March 22, 2005	WO 02/06266 January 24, 2002	Granted
11/053,090 February 7, 2005	Jacob H. Kooistra et al.	7,642,363 January 5, 2010	WO 02/06266 January 24, 2002	Granted
12/625,156 November 24, 2009	Jacob H. Kooistra et al.	US 20100136339 June 3, 2010	WO 02/06266 January 24, 2002	Assigned to Examiner Taylor V OH in GAU 1625; Non Final Action mailed August 12, 2010
10/537,723 June 7, 2005	Lee Newton et al.	7,524,955 April 28, 2009	WO 2004/054986 July 1, 2004	Granted
12/404,575 March 16, 2009	Lee Newton et al.	US 20090264654 October 22, 2009	WO 2004/054986 July 1, 2004	Assigned to Examiner Erich A. Leiser in GAU 1624; Ready for Examination
10/518,164 July 25, 2005	Hermanus C. Bakel Van et al.	7,442,811 October 28, 2008	WO 03/106447 October 24, 2003	Granted
10/501,250 December 6, 2004	Robert P. Hof	7,718,812 May 18, 2010	WO 03/059901 July 24, 2003	Granted
11/793,418 June 20, 2007	Michael Butters et al.	US 20080207903 August 28, 2008	WO 2006/067456 June 29, 2006	Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Non Final Action mailed May 18, 2010
11/948,615 November 30, 2007	Steven Robert Lenger	US 20080188657 August 7, 2008		Assigned to Examiner Venkataraman Balasubramanian in GAU 1624; Filed response to Restriction Requirement on November 1, 2010
11/994,925 January 7, 2008	Michael Butters et al.	US 20100228028 September 9, 2010	WO 2007/007119 January 18, 2007	Assigned to Examiner Deepak R RAO in GAU 1624; Ready for Examination

2. Objection to the Specification

The Examiner objects to the drawings appearing in the specification as detailed on page 3 of the Office Action.

Applicants have amended the specification to include the heading "Brief Description of the Drawings", under which Figures 1-8 are individually listed and briefly described. In addition, separate sheets of Figures 1-8, with each sheet labeled as "New Sheet", are submitted. In view of these actions, Applicants respectfully request that this objection be withdrawn.

3. Rejection under 35 U.S.C. 102(b)

A. WO 03/016317

Claims 1-5 are rejected as anticipated by WO 03/016317 for the reasons provided on page 4 of the Office Action. The Examiner specifically cites "Examples 7 and 7" of WO 03/016317 as teaching processes for preparing rosuvastatin. Applicants presume that the Examiner intended to recite "Examples 7 and 8" since these examples relate to rosuvastatin.

Applicants respectfully disagree with this rejection and point out that WO 03/016317 does not disclose the use or isolation of a crystalline compound of formula (8) as recited in claim 1. While Applicants believe that this difference clearly distinguishes the claimed invention from the WO 03/016317 disclosure, Applicants have, in an effort to expedite prosecution of the subject application, amended claim 1 to recite that R is (2-6C)alkyl. In Examples 7 and 8 of WO 03/016317, which describe processes for preparing rosuvastatin, the only compound of Applicants' formula (8) that is disclosed is the one where R is methyl (as evidenced by the recitation of "methyl 7-[4-(4-fluorophenyl)-6-isopropyl-2-(N-methyl-N-methylsulfonylamino)pyrimidin-5-yl]-(3R,5S)-dihydroxy-(E)-6-heptenoate" at page 22, lines 19-21). Because methyl corresponds to R being (1C)alkyl, it is outside the scope of claim 1 as amended. For at least the above reasons, WO 03/016317 cannot anticipate Applicants' claims, especially as amended, and Applicants therefore respectfully request that this rejection be withdrawn.

B. WO 00/49014

Claims 1-5 are rejected as anticipated by WO 00/49014 for the reasons provided on page 4 of the Office Action.

Anticipation of a claim by a reference can only occur if each and every feature of the claim is taught by the reference. In this case, WO 00/49014 does not disclose the use or isolation of a crystalline compound of formula (8) as recited in claim 1. Accordingly, WO 00/49014 cannot anticipate claim 1 or claims that depend from claim 1. For at least this reason, Applicants therefore respectfully request that this rejection be withdrawn.

4. Conclusion

The foregoing amendments and remarks are submitted to place the application in condition for allowance. Applicants therefore respectfully request reconsideration and timely allowance of the pending claims. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

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